

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-21 are pending in this case.

In the outstanding Office Action, Claims 1-18, 10, and 21 were rejected under 35 U.S.C. §103(a) as unpatentable over Vaudreuil (U.S. Patent No. 5,740,230) in view of Thorne et al. (U.S. Patent No. 5,958,005, hereinafter "Thorne"). Claim 19 was rejected under 35 U.S.C. §103(a) as unpatentable over Vaudreuil in view of Thorne and further in view of Yokomizo (U.S. Patent No. 6,163,796).

With regard to the outstanding Office Action's assertion that the arguments in the response filed February 8, 2006 were improper based on *In re Keller*, it is respectfully noted that *In re Keller*'s holding that "attacking references individually" is improper is based on an Applicant's argument that a cited reference did not include an element found in another of the references in a rejection under 35 U.S.C. §103. In the response filed February 8, 2006 (and the present response), arguments are presented that the Thorne reference does not include an element that the outstanding Office Action asserts is taught or suggested by Thorne. Accordingly, refuting such assertions is not "attacking the references individually" but in fact is responding to the rejection that has been made.

With regard to the rejection of Claim 1 under 35 U.S.C. §103(a) as unpatentable over Vaudreuil in view of Thorne, that rejection is respectfully traversed.

Independent Claim 1 recites in part:

wherein messages include meta information containing a plurality of different fields, one of the fields being a secure read count *and* a maximum read count value limiting the maximum reads of the message.

The outstanding Office Action conceded that Vaudreuil does not teach or suggest this element, and cited column 8, lines 1-20 and column 11 lines 5-12 of Thorne as describing this

feature. However, it is respectfully submitted that Thorne only describes a field defining a number of readings enabled, i.e. the number of times that the recipient will be allowed to display the message.¹ This single field is not equivalent to the secure read count *and* maximum read count values recited in Claim 1.

By combining the use of a secure read count *and* a maximum read count, the invention recited in Claim 1 ensures that the message will not be read more than the number of times defined in the maximum read count field. This is particularly important when implementing the pay-per-read functionality disclosed on page 14, line 21 of the present specification. The sender of a message can thus be sure that upon use of said pay-per-read functionality and upon payment of a fee for reading the message e.g. five times by the receiver of the message, it will only be possible to read said message five times during the *whole life* of the message.

On the other hand, Thorne only describes appending to the message a field defining the number of allowed readings. In the above example of five allowed readings, the apparatus described by Thorne makes it possible for a first recipient of the message to read the message four times and then forward said message to a further recipient that will again be allowed to read said message up to five times. It cannot therefore be guaranteed that the maximum number of message display will be observed by the recipients using the device described by Thorne. Thus, Thorne does not teach or suggest the inclusion of “a secure read count” as defined in Claim 1. Consequently, Thorne does not teach or suggest “wherein messages include meta information containing a plurality of different fields, one of the fields being a secure read count *and* a maximum read count value limiting the maximum reads of the message” as recited in Claim 1.

¹See Thorne, column 6, line 43; column 8, line 8; figure 4, item “display times.”

Since Vaudreuil and Thorne do not teach each and every element of Claim 1, it is respectfully submitted that Claim 1 (and Claims 2-11 dependent therefrom) is patentable over Vaudreuil and Thorne.

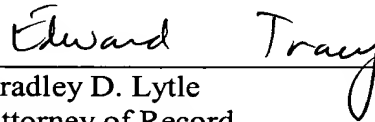
Independent Claims 12 and 15 recite similar elements to Claim 1. It is respectfully submitted that Claims 12 and 15 (and Claims 13, 14, and 16-21 dependent therefrom) are patentable over the cited art for at least the reasons discussed above with respect to Claim 1.

With regard to the rejection of Claim 19 as unpatentable over Vaudreuil and Thorne in view of Yokomizo, it is noted that Claim 19 is dependent from Claim 15, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Yokomizo does not cure any of the above-noted deficiencies of Vaudreuil and Thorne. Accordingly, it is respectfully submitted that Claim 19 is patentable over Vaudreuil and Thorne in view of Yokomizo.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Edward Tracy
Registration No. 47,998